

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the

Northern District of California

In re CTF GP Prisoner Litigation

Plaintiff

v.

Ralph Diaz, et al

Defendant

Civil Action No. 5:19-cv-01974 LHK

WAIVER OF THE SERVICE OF SUMMONS

To: Daniel Cruz, Abraham J. Madrigal, Ambrosio Villagrana

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 12/5/2019, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

1/7/2020

Signature of the attorney or unrepresented party

Preeti Bajwa, Attorney for Defendant

Printed name of party waiving service of summons

Preeti Bajwa, Deputy Attorney General

Printed name

Attorney General's Office
1575 Clay St. 20th FL, Oakland, CA

Address

Preeti.Bajwa@doj.ca.gov

E-mail address

(510) 879-0980

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **In re CTF GP Prisoner Litigation**

Case No.: **5:19-CV-1974-LHK**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550.

On January 7, 2020, I served the attached **WAIVER OF THE SERVICE OF SUMMONS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

Daniel Otilio Ruiz (G57755)
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686

Abraham Madrigal (BE8873)
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686

Daniel Paul Cruz (K24915)
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686

Ambrosio Villagrana (C84430)
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 7, 2020, at Oakland, California.

K. Crenshaw

Declarant

/s/ K. Crenshaw

Signature